

Serial No.: 10/656,657
Filing Date: September 2, 2003

REMARKS

Claims 6-14 are pending in this application. Claims 2-5 are withdrawn as drawn to a non-elected invention.

Response to Restriction Requirement

The Examiner has acknowledged Applicant's response to restriction requirement and has correctly indicated that claims 6-14 were elected for examination in this application. However, the Examiner has incorrectly identified the elected claims as the claims of Group II. Applicant wishes to clarify that the election was of Group III, claims 6-14.

Double Patenting

The Examiner has rejected claims 6-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-11 of U.S. Patent 6,673,370 in view of U.S. Patent 5,700,477. While not addressing the merits of the rejection, Applicant submits the attached Terminal Disclaimer under 37 CFR 1.321(c) to address the rejection. As indicated by the Terminal Disclaimer, the present application and the 6,673,370 patent are commonly owned by Intarcia Therapeutics, Inc. (formerly Biomedicines, Inc.).

CONCLUSION

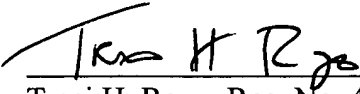
Applicants respectfully submit that Claims 6-14 are in condition for allowance and an early notification of such is solicited.

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

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Respectfully submitted,
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